

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji SATO, et al.
Application No. 08/750,641
Filing Date : 16 December 1996
Title : SCHEDULE SETTING AND PROCESSING SYSTEM
Art Unit : Office of Petitions
Examiner : L. Walsh

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF
MARK H. NEBLETT

I, the undersigned, Mark H. Neblett (Reg. No. 42,028), make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. Since about September 2003, I have been an employee of the law firm of Crowell & Moring LLP in Washington, DC. During this period, I have served as counsel, specializing in preparing and prosecuting patent applications.

2. From about March 31, 1999 to July 31, 2003, I was an employee of Kenyon & Kenyon ("Kenyon") in Washington, DC. During this period, I served as an associate.

3. During my employment at Kenyon, I was responsible for prosecuting patent applications in the mechanical and electrical arts, including prosecuting patent applications for Toyota Jidosha Kabushiki Kaisha, the assignee of U.S. Patent Application Serial No. 08/750,641 ("641").

4. Prior to March 22, 2001, to my recollection, Kenyon was contacted by the United States Patent and Trademark Office (the "Office") and informed that the Office had lost the file for U.S. Patent Application Serial No. 08/750,641. I was asked to provide a copy of the Kenyon file for this application to the USPTO, and was told that this copy would be used by the USPTO to reconstruct the official file.

5. Attached as Exhibit 1 to this Declaration is a copy of a letter I signed enclosing a copy of Kenyon's file for United States Patent Application No. 08/750,641. In that letter Kenyon asked that the file be reconstructed at the USPTO.

6. I directed my assistant to prepare Exhibit 1 and its attached application file, and directed my assistant to file Exhibit 1 with the USPTO.

7. Exhibit 2 to this declaration is a photocopy of a return date-stamped postcard received from the USPTO indicating the receipt of Exhibit 1 by the USPTO.

8. During my employment at Kenyon, I do not know of a case where I requested the USPTO to reconstruct an application file after that application was known by me to be abandoned.

9. During my employment at Kenyon, neither the USPTO nor anyone at Kenyon advised me that '641 had been abandoned.

10. During my employment at Kenyon, neither the client nor anyone at Kenyon requested me to allow '641 to become abandoned.

11. After leaving my employment at Kenyon, I have not been involved in prosecution of, or been provided information regarding, the '641 application, until being recently advised of the present Petition.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: 12/4/08



Mark H. Neblett

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CENTRAL FAX CENTER****DEC 10 2008****EXHIBIT 1 TO NEBLETT DECLARATION****PATENT
Docket No.: 77792/23****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Koji SATO, et al.
SERIAL NO. : 08/750,641
FILING DATE : December 16, 1996
FOR : SCHEDULE SETTING AND PROCESSING SYSTEM
GROUP ART UNIT : 2316
EXAMINER : O. HERNANDEZ

Assistant Commissioner for Patents
Washington, D.C. 20231

FILE RECONSTRUCTION**SIR:**

We have been informed by the Office that the U.S. Patent and Trademark Office's file for the above-referenced case has been lost. Please find attached a copy of the relevant documents forming the file history for this application from the applicant's files for use in reconstructing the Office's file.

Please reconstruct the file. Thank you for your attention to this matter. Please contact the undersigned at 202-220-4232, for any questions.

Respectfully submitted,



Mark H. Neblett
Reg. No. 42,028

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DEC 10 2008

EXHIBIT 2 TO NEBLETT DECLARATION

The stamp of the Patent Office hereon, may be taken as acknowledging the receipt, on the date stamped, of

APPLICANTS: Koji SATO, et al.
SERIAL NO.: 08/750,641
FILED: December, 16, 1996
FOR: *SCHEDULE SETTING AND PROCESSING
SYSTEM*
GROUP ART UNIT: 2316

PAPERS FILED:

1. **File Reconstruction**

MHN/cct

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